

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JEFF GAMARSH, #623349

§

v.

§

CIVIL ACTION NO. 6:15cv140

OLIVER J. BELL

§

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

Petitioner Jeff Gamarsh, a prisoner confined at the Beto Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, brings this civil rights lawsuit pursuant to § 1983. The complaint was referred for findings of fact, conclusions of law, and recommendations for the disposition of the lawsuit.

After a review of the pleadings and record, the Magistrate Judge issued a Report recommending that Defendant's Motion for Summary Judgment be granted and Gamarsh's claims against the Defendant be dismissed. A copy of this Report was sent to Gamarsh at his address, return receipt requested, but no objections have been received to date. Accordingly, Gamarsh is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly it is

**ORDERED** that the Report of the Magistrate Judge, (Dkt. # 35), is **ADOPTED** as the opinion of the District Court. Further, it is

**ORDERED** that the above-styled civil action is **DISMISSED** with prejudice. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED**.

**So Ordered and Signed**

Jan 24, 2018

A handwritten signature in cursive script, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge